

CRM-M-55376-2019

Date of Decision: 14.02.2020.

MANJINDER SINGH AND ORS

... PETITIONERS

vs.

STATE OF PUNJAB AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rishu Mahajan, Advocate, for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Ajay Kumar, Advocate for

Mr. Vikas Bishnoi, Advocate, for respondents No. 2 to 4.

VIVEK PURI, J.(ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.70 dated 14.05.2019, under sections 307/148/149 IPC and section 25 of the Arms Act, registered at Police Station A Division, Amritsar on the basis of compromise.

Briefly, the aforesaid FIR has been registered on the allegations that the petitioners had inflicted injuries on the person of Makhan Singh and Daljan Singh with an intention to commit their murder.

It has been brought to the notice of this Court by the learned State counsel that the investigation of the case is complete and challan has been presented only against Vikramjit Singh (petitioner No.2). However, ten accused were found innocent and their names have been reflected in column No.2 of the report under Section 173 Cr.P.C. In the report, there is a mentioned with regard to other criminal cases but the same are not against petitioner No.2 against whom only the challan has been presented.

On 06.01.2020, notice of motion was issued and parties were directed to appear before the trial Court/Illaq Magistrate for getting their statements recorded with regard to the compromise/settlement.

Pursuant to above-said order dated 06.01.2020, report has been received from Judicial Magistrate 1st Class, Amritsar, the relevant portion whereof reads as under:-

“On the basis of the statements suffered by the parties, it appears that the compromise is genuine, voluntary without

*any threat or coercion. The parties were identified by the learned counsel for the parties. As per Investigating Officer and affidavits of accused, there are eleven accused involved in the present FIR and no persons have been declared as proclaimed offender and out of eleven accused, eight accused namely Manjinder Singh, Vikramjit Singh, Maninder Singh, Lovejeet Singh, Gurjant Singh, Kulwinder Singh, Lovepreet Singh and Baljit Singh are not involved in any other FIR, and **accused Gursewak Singh**, is involved in another FIR bearing no.68/2016, under Section 25/27/54/59 Arms Act and 307/353/186/148/149 IPC, which has been registered against him by the police of PS Jhander, Amritsar, **accused Jaskirat Singh** is involved in FIR bearing no.227/14.10.2014, under Section 307/427/148/149 IPC and 25/27/54/59 of Arms Act, which has been registered against him by the police of PS Sadar, Amritsar and one more case bearing FIR no. 144 dated 15.5.2018, under Section 379-B/323/506/148/149 IPC and 25/54/59 Arms Act, which has been registered against him by the police of PS A-Division, Amritsar and **same is quashed by the Hon'ble Punjab & Haryana High Court, vide CRM-M-27122 of 2018**. He further stated that one more case bearing FIR no.63/2017, under Section 393/427 IPC, which has been registered by the police of PS Sadar and same is pending before the Court of Sh. Baljinder Singh, learned CJM, Amritsar for 07.03.2020, **accused Satyavaranjit Singh**, is involved in case bearing FIR no.139/10.07.2017, under Section 304(2)/279/337/338/427 IPC, which has been registered against him by the police of PS Kamboj, Amritsar. Lakhwinder Singh is the only complainant in the present FIR and Makhan Singh and Diljan Singh were injured/eye witnesses of this case.”*

Learned counsel appearing on behalf of the parties admit that the parties have settled their dispute.

In view of said circumstances and following the Full Bench judgment of this Court in **Kulwinder Singh and others Vs. State of Punjab and others 2007(3) R.C.R. (Criminal) 1052**, the present petition is allowed and FIR No.70 dated 14.05.2019, under sections 307/148/149 IPC and section 25 of the Arms Act, registered at Police Station A Division, Amritsar is hereby quashed qua the petitioner(s).

(VIVEK PURI)
JUDGE

14.02.2020.
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No